

due to letters which they wrote District Attorney Swann. The District Attorney had asked on January 7, for the assignment of six men from the Detective Bureau to serve the Grand Jury. In his letter of refusal, dated January 8, the attorney said it was "improper" for members of the Police Department to be assigned to investigate themselves.

On January 12 Mr. Whitman, anxious to get Commissioner Enright on record, had Mr. Swann ask the Police Commissioner by letter for the services of Detective Thomas. The Commissioner replied on the 13th by directing attention to the Mayor's letter. On the following day the head of the city government and the Commissioner of Police received Grand Jury subpoenas, returnable yesterday. Meanwhile Mr. Whitman had made public note of the fact that the Police Commissioner was removable by the Governor.

Hyman's Cheerful Air.

Yesterday morning his honor motored to the Criminal Courts Building with his personal attorney, Mr. Eddie Hyman. He affected the best of humor, greeting reporters with "Hello, boys!" and smiling earnestly on all beholding. He went into Mr. Swann's office, where he was met by the Commissioner.

"I was sent here to get it, and I did," said Hyman.

"I've a good mind to look you up," pursued the Commissioner, according to the other "no alibi" case. "I am sure," the Commissioner went on, "that Mr. Whitman, holding the Hyman-Enright letters in one hand, took the Commissioner by the other and mentioned him to a chair beside the Mayor."

Mr. Swann was present for a few minutes. Mr. Enright has not spoken to Mr. Swann for 10 years. Mr. Enright and the Mayor had been ignoring Mr. Whitman, and here was Mr. Whitman now, master of the morning, at last.

It is understood that the Mayor was especially anxious to rid Mr. Whitman of any impression that either he or the Commissioner had wished to block the investigation and to know what law, if any, had been violated. As Mr. Whitman had previously been thumbing section 1551 of the penal law it may be assumed that he now drew it to the notice of his counsel. The section reads: "A person who in any case or under any circumstances not otherwise here provided for wilfully resists, delays or obstructs a public officer in the discharge of his duty or the duties of his office is guilty of a misdemeanor."

Whitman's Preparation.

There is no doubt that both the Commissioner and the Mayor had broken this law, in the opinion of Mr. Whitman. He was anxious to recommend action to the Grand Jury, and that he told the two men just what he intended to do. He said later he was especially pleased with the vigorous and ready action taken, because it had been made clear that the office of District Attorney was in no sense under the control of the Mayor, as some persons had seemed to suppose.

Mr. talk lasted about three-quarters of an hour. Mayor and Commissioner left the building together. In the elevator a newspaper man asked the Mayor if he expected to continue his fight. "You need a lawyer," said Mr. Hyman, stroking the questioner's chin. "I'd offer you the price of one except that I might be accused of offering a bribe."

The reporter pleaded in self-defense that his epidemic was peculiarly sensitive, rendering daily razoring a necessity. The city officers passed out of the building, the Commissioner in advance, the Mayor calling back, "Good-by, boys."

Mr. Whitman said last night the number of men he would require from the Police Department would depend upon developments. He added that many of the force could be of "invaluable assistance." He said that he was now receiving about fifty letters a day from persons who thought they knew something to help along the investigation.

More Subpoenas Issued.

Two new cases affecting the Police Department have resulted in the subpoenas issued by the District Attorney, president of E. & A. Milch, dealers in paintings, 103 West Fifty-seventh street; D. Milch, president of D. Milch & Co., picture frames, 121 West Forty-first street; and these officers of the Printers Publishing Company, 207 West Twenty-fifth street; Joseph Gantz, president; Aaron Gantz, secretary, and John J. Dowling. Some of these appeared with records yesterday and were examined by Assistant District Attorney James E. Smith.

Brooklyn furnished the latest Enright resignation rumor yesterday. One of those mysterious persons "on friendly terms with Mayor Hyman" was quoted as saying the Mayor had asked Mr. Enright to quit and offered the job to Major Gen. John F. O'Ryan, commanding the New York State Guard.

"I would not accept the Police Commissioner's offer," were offered to Mr. Gen. O'Ryan said, and stood with that. Otherwise the Order of Enright Resignation took a day off. A lone member on duty at Police Headquarters perked up and called the Commissioner. Rhinecliff Wells called there for the first time in years. But all was done after was a patrol permit. He lives out in the country but has to come into New York once in a while.

FRANK LORD BLAMES ENRIGHT FOR SITUATION A 'Flivver' as Commissioner, Says Ex-Official.

Police Commissioner Enright was called to account last night by Frank Lord, Deputy Commissioner under Arthur Woods four years ago, for what Mr. Lord described as the collapse of the detective bureau under the Enright regime.

Mr. Lord was speaking at the Seventh Assembly District Republican Club, Mr. Enright is a "pleasant fellow," he said, "but as a Police Commissioner he is a 'flivver'." He blamed Enright for "turning out the machinery left over from Woods' administration."

"What I am saying to-night," he remarked, "will no doubt result in my getting a subpoena from the Whitman Grand Jury, but I will be glad to go there and testify."

JENNY LIND MEMORIAL. Bust of Singer to Be Placed in the Aquarium.

Following an appropriate ceremony and a short address by Dr. Johannes Hoving, chairman of a committee chosen from artistic and musical circles in this city, a bust of Jenny Lind done in Carrara marble, made in 1848 by W. von Epper when the singer visited Rome, was yesterday presented to the New York Zoological Society to be placed in the Aquarium at Battery Park, where Jenny Lind made her first appearance in America.

Dr. Hoving, in his address, said it was the purpose of the memorial committee to convert a part of the Aquarium, possibly the entrance hall, into a standing memorial to famous musicians and singers who appeared in the building when it was called Castle Garden.

BRINDELL IS LINKED TO LABOR MONOPOLY

Continued from First Page.

60 per cent. of the common laborers had no connection with Brindell.

Under a fire of questions by Mr. Undermyer he then admitted that he had no record of the total number of strikes for the year following the organization of the Brindell council, and that he was merely basing his statement about the percentage of common laborers in Brindell's outfit upon his general knowledge of the business and not upon actual figures.

Brindell's Brother on Stand.

Matthew Brindell, brother of the defendant, was called as a witness and asked if he had acted as intermediary in the transaction by which George Backer, a builder, is alleged to have turned over \$25,000 as a bribe for the calling off of a strike on a building being erected for Ephraim R. Levy.

His denial that he had received this money was a flat contradiction of testimony given by Backer at his recent trial for perjury, which resulted in a jury verdict on that occasion.

He testified that he had paid the money to two strangers, one of whom he recognized later as Matthew Brindell.

He also testified that he was present at the Lincoln Trust Company when Aronson drew the bribe money with which to pay Brindell. Owen Ward, vice-president of the trust company also testified to having seen the money drawn on the day when Brindell is alleged to have been paid.

From the time when court opened until 6 o'clock, when it adjourned, the room and adjoining corridors were crowded with witnesses, followers of Brindell and other spectators.

While the trial was in progress the newly authorized Federal investigation of the building trades got formally underway in the United States District Court. Judge Learned Hand impaneled a special grand jury to devote its time exclusively to the matter. In questioning the members of this panel, Judge Hand asked J. Kresel, who are conducting the Federal inquiry as special prosecutors, asked them if they were connected with any concerns dealing in gravel, sand, stone, steel roofing, tiles, lumber or other building materials. E. Morgan Gilbert of 45 East Thirty-fourth street was selected as counsel for this grand jury. The grand jury was composed of fifteen corporations and individuals indicted in the Federal Courts three weeks ago for conspiracy to boost the price of sand and gravel in the city of New York.

ASH REMOVAL SUIT AGAINST WHALEN VAIN Steinbrink Says City Could Not Get Damages.

Meier Steinbrink, Associate Counsel of the Board of Estimate Inquiry into city contracts, filed yesterday his report to the board on the charges of Samuel Untermyer, counsel of the Lockwood committee, that the city is entitled to and should sue Grover A. Whalen, Commissioner of Plant and Structures, and Holland & Co., ash removal contractors, with whom Mr. Whalen was connected, for a large sum for dumping ashes on the court house site.

Mr. Steinbrink found that while the firm did dump ashes enough on the court house site to cause a large sum for damages, the city could not hope to recover because the ashes were dumped by permission of the Court House Board and of the Street Cleaning Department, and never insisted that the contractors remove the ashes.

Contrary to Mr. Whalen's statement before the Board of Estimate, however, Mr. Steinbrink found that the Commissioner of Plant and Structures was a partner in this holder of a city contract, both while he was secretary to the Mayor and long after he became Commissioner, and that he still remains a partner to the extent that he is empowered to sign the firm's name to checks, though the concern has not done business since last July. Mr. Whalen contended that he withdrew from the firm in October, 1917.

PORTER NEGLECT TRIAL POSTPONED TO FEB. 8

Other Smith Vice Crusade Cases Also Go Over.

The trial of Augustus Drum Porter, former Third Deputy Police Commissioner, charged with neglect of duty, which was on the calendar yesterday before Judge Charles C. Nott in Part IV. of General Sessions, was postponed at the consent of counsel until February 8. Likewise the trials of Frederick Franklin and John J. Gunson, former detectives charged with extortion and bribery, were set for that date. Thomas Moloney's trial was deferred until February 18. All were indicted by the March Grand Jury during Assistant District Attorney James E. Smith's vice crusade last spring.

It is believed the cases will not come to trial until the indictment against Mr. Smith, which was found by the Grand Jury last June, is disposed of in some manner.

AGITATION FOR FUSION WITH GERMANY GROWS Value of Austrian Crown Still Is Decreasing.

VIENNA, Jan. 17.—Aside from the demand for the right of collective bargaining there has been a further manifestation of the ever increasing agitation for fusion with Germany. This movement has been markedly recrudescing lately. One factor which is acting as propaganda for the fusion idea is the failure of the so-called Goede plan for reparations and of the big Powers to reimburse the country and rehabilitate industry.

Meantime, as the value of the crown decreases prices are on the increase. Clothing and other necessities are utterly beyond the reach of the masses. The ranks of the unemployed are supplemented daily, while the present conditions their enormous output of paper money, which day by day becomes more worthless.

J. I. SAKS WITH N. Y. HOUSE.

Sen. J. I. Saks, announced yesterday the appointment of Joseph I. Saks, son of Isidor Saks, president of the corporation, as assistant secretary and treasurer. Joseph I. Saks has been connected with Saks & Co. in Washington in the capacity of store official and still retains his connection with the Washington store. The organization of Saks & Co. is being expanded in preparation for the move to the new building on Fifth avenue some three years hence.

PAN-AMERICAN LABOR REFLECTS GOMPERS

Mexico, Salvador and Guatemala Delegates Oppose Renomination.

SPLIT ON SANTO DOMINGO Congress in Mexico City Urges Acceleration of Island's Evacuation.

MEXICO CITY, Jan. 17.—Samuel Gompers today was reelected president of the Pan-American Federation of Labor. His election followed a three hour debate in which there was a split among the delegations, the Mexicans, Salvadoreans and Guatemalans voting against the unanimous acceptance of the resolution nominating Mr. Gompers.

In addition to Mr. Gompers, John P. Frey, James Lord and Luis Morones, the latter a Mexican, were nominated for the presidency. All of them, including Mr. Gompers, declined to accept the nomination. The Mexican delegates were re-nominated and reelected. Although some of the Guatemalan, Salvadoran and Mexican delegates energetically opposed Mr. Gompers, the solid American, Santo Domingo and Porto Rico vote swung the others into line.

A difference arising at the morning session concerning the Santo Domingo question was compromised during the noon recess. The congress unanimously voted that Mr. Gompers should send a note to President Wilson merely requesting that the evacuation of Santo Domingo be hastened.

Mr. Gompers was asked by the Santo Domingo delegation to answer a question whether a telegram protesting against American occupation and demanding an immediate evacuation of the island had been sent in accordance with the resolution approved by the labor congress last Friday. Mr. Gompers replied that he desired to modify the text of the telegram, inasmuch as the American Government already had declared itself in favor of evacuation, started a heated argument in which the Latin American policy of the United States was bitterly criticized by the Dominican, Salvadoran and Mexican delegates.

"President Wilson's plan for a Dominican administration was declared to be nothing but a repulsive protectorate, which has been similarly imposed in Cuba, Haiti and Nicaragua," by the Dominican delegate Estrella, who assailed the policy of the United States in his native land.

"American bayonets are supporting American capital in Santo Domingo," he declared. "The American Government is not actuated by love of liberty, but because the country is a valuable field for American American and American capital because it is valuable for strategic purposes."

PAGE REDESIGNATED APPELLATE JUSTICE

Ford's Protest Fails—Other Appointments Made.

SPECIAL DESPATCH TO THE NEW YORK HERALD.

ALBANY, Jan. 17.—Gov. Miller today redesignated Justice Alfred B. Sweeney to the Appellate Division of the First Department. Supreme Court Justice John Ford, in a letter which the Governor received today, protested against the selection of Justice Page on the ground that he had shown discrimination in making assignments of Supreme Court Justices for trial and appeal. The Governor was asked if he had any comment to make on Justice Ford's letter.

"Only that I have just redesignated Justice Page," he replied.

Justice Ford has threatened to appeal to the Legislature from what he terms an "intolerable situation," although the Governor has declared his intention of an investigation has declared his intention of "preposterous."

Gov. Miller also reappointed John C. Clark of New York City as State Civil Service Commissioner. John J. Merrill of Alfred, as a State Tax Commissioner; May Thery Christian of New York, as a member of the board of trustees of the Bedford Reformatory; and Dr. F. Park Lewis, as a trustee for the School for the Blind at Batavia.

KAINERIN HAS FRESH RELAPSE.

THE HAGUE, Jan. 17.—The former German Empress Augusta Victoria, is reported to be in a very serious condition today. She suffered a relapse immediately after her arrival in the Netherlands. Frederick William, who had been visiting her, returned to Wieringen.

NEW PHONE CONTRACT BASIS IS PLANNED 800 Yearly Calls Give Way to 80 Monthly.

The New York Telephone Company intends to discontinue its yearly contract for 800 calls on a direct wire and substitute therefor a monthly contract on the basis of eighty calls, according to the testimony of A. D. Welsh, general commercial superintendent of the company, at the hearing before the Public Service Commission upon the telephone company's proposed new schedule. Mr. Welsh said the company expected such a change would increase its yearly revenue by about \$400,000, although that figure might be offset by a tendency of subscribers to limit calls to the monthly maximum.

Mr. Welsh also testified that the company proposes to require twenty-five cents a day guarantee from semi-charitable institutions maintaining a coin box telephone instead of the present eighteen-cent guarantee. That would not affect the five-cent rate for local calls and usual rates for other calls, nor would it change the present 40 per cent. discount.

WANTS NATIVE NEXT PHILIPPINE GOVERNOR

Harrison Says He Offered Conditional Resignation.

MANILA, P. I., Jan. 15 (delayed).—Francis Burton Harrison, Governor-General of the Philippines, offered to tender his resignation eighteen months ago upon condition that the Secretary of War recommend to President Wilson that a Filipino be appointed his successor. He declared today at a recent luncheon in his honor by the Philippine Columbian Association that he made the offer while in Washington in 1919.

Manuel Quezon, president of the Philippine Senate, declared that if the condition were put before the Philippines through a referendum 98 per cent. would vote for absolute independence. Quezon defined independence as a government run entirely by Filipinos, with a constitution framed by Filipinos.

YOUTHFUL CONSUL ARRIVES.

Senor Carlos Gumucio, 32 years old, new Consul-General of Bolivia at this port and the youngest of his diplomatic class sent from a South American republic, arrived yesterday by the Pacific liner Ebro. He was formerly chief accountant for W. R. Grace & Co. at La Paz, Bolivia, and speaks English quite well as well as Spanish. He said his country was tranquil and prosperous and was exporting large quantities of tin, silver, copper, bismuth and hides.

LAZZARI RECONCILES ITALIAN SOCIALISTS

Famous Deputy Argues for Unity, Preventing Breach in Party at Leghorn.

CALLS VIOLENCE USELESS

Norwegian Labor Party Splits, 200 Delegates Oppose Joining Internationale.

LEGHORN, Italy, Jan. 17.—Deputy Lazzari, who is to the Italian Socialists what Eugene V. Debs is to the American Socialists, argued for unity and opposed violence in a speech before the conference of the Socialist party today. His words had the effect of bringing more into union the Communist and Moderate elements, which had been threatening a break.

Deputy Lazzari declared that violence was useless; that it tore down and destroyed. To adopt violence was to return to the old theory of an eye for an eye, a tooth for a tooth. It was an un-Christian, unworthy of civilized people.

"We old militants," he continued, "find ourselves in the painful position we have brought about after forty years. It is said that unity has more dangers than advantages. I tell you that for the good of this cause and for the good of the laboring class there is not the slightest doubt that unity is a great advantage."

The millionaire Bolshevik Terracini, who is 30 years of age, occupied the platform during the whole evening session, propounding Communist doctrines, urging violence and attacking the tendencies of the moderate party in not responding to the call of the Red armies in Italy.

"The Communist party in Italy represents the resolution of the party of the class which has for its aim the acquisition of power," he said. "There is need in Italy to-day for action. The proletariat is ripe now to acquire power, which, when attained, will satisfy the needs of the proletariat."

"The Communists believe that everything depends on possession of the means of production. Violence is necessary for this, not unorganized violence, but organized violence, which it is now necessary to prepare. The power of a party is in its organized and disciplined armed forces, ready to seize the means of production and to use them for the benefit of the proletariat. The Italian proletariat has shown itself capable of accomplishing its aim, just as at Milan, against the dictates of the Centrists of the party, the communists with cannon and machine guns, seized the plants. The Italian proletariat is a grand force, needing only a guide, who until now is lacking."

The situation in the Congress is at present decidedly confused. Both the representatives of the Right and the Left express themselves as certain of victory.

HUNGARY REMEMBERS HER LOST PROVINCES

Statues Unveiled in Budapest Pledge of Recovery.

BUDAPEST, Hungary, Jan. 16 (delayed).—Four monuments in memory of the lost provinces of Hungary were unveiled today in the city of Budapest. The presence of more than 50,000 persons. All the church bells were rung when the statues, representing west, north and south Hungary and Transylvania, were unveiled.

Men, women and children, laboring under intense feeling, knelt down in the streets and prayed for help for Hungary. The unveiling ceremony was a solemn and not to rest until their "inheritance" had been fully recovered. Church dignitaries, both Catholic and Protestant, blessed the banners of the Hungarian irredentists.

The ceremony at Budapest recalls the yearly pilgrimage to the statue of Strassbourg, on the Place de la Concorde, in Paris, where Frenchmen deposited wreaths in memory of the "lost provinces."

ESPERANTO IS FOR SALE.

New Schooner to Take Place of Victor Over Canadians.

GLoucester, Mass., Jan. 17.—Esperanto, the fishing schooner that won the championship of the North Atlantic in races with the Canadian fisherman Delawanna off Halifax, N. S., last fall, is for sale. Her owner, the Boston-Bewick Fisheries Company, says the schooner is the international title holder and some other vessels of its fleet were on the market.

There are other fishing vessels at this port and Boston of greater known speed and plans are under way for the building of at least one new schooner to defend the championship cup, so that there will be no lack of fast vessels to represent the American fishermen next fall.

Manhattan Brass Co. Employee Dangerously Wounded in Attack by 3 Men in E. 29th St.

AID BEATEN WITH A WRENCH

Robbers Then Seize Satchel Containing Money and Escape in a Taxicab.

TRAP FIVE ON STOLEN TRUCK

Men Caught in Prearranged Traffic Jam Said to Have Confessed Recent Jersey Hold-ups.

A cashier was dangerously wounded and his bodyguard bludgeoned almost to death.

APPLY TO YOUR OWN BROKER OR

National Surety Company

Home Office 115 Broadway, New York

Brokers Branch 46 Maiden Lane, New York

"World's Largest Surety Company"

Aged Bank Messenger A Thief; Pay, \$3 a Month

SPECIAL CABLE TO THE NEW YORK HERALD. Copyright, 1921, By THE NEW YORK HERALD. New York Herald Bureau. Part, Jan. 17.

AFTER carrying millions of francs monthly between the office of the tax collector here and the Ministry of Finance for many years at a salary equivalent to \$3 a month, a sixty-one-year-old messenger was unable to withstand the temptation that was put in his way and disappeared a few days ago with 150,000 francs in Government funds. He was arrested at the station at Pontarlier last night and admitted the theft. He handed back all but 3,000 francs of the stolen money, weeping and pleading for leniency because he was not paid enough to insure his comfort in his old age.

CUBAN BANKERS SEE CROWDER ON WARSHIP

House Not Yet Ready to Act on Financial Bills.

HAVANA, Jan. 17.—Major-Gen. Enoch Crowder, President Wilson's special representative in Cuba, held further conferences with bankers and leading citizens aboard the cruiser Minnesota today. The subjects discussed had to do with the financial and economic situation.

The House of Representatives so far has failed to take up any measures dealing with banking conditions or the moratorium, but there is known opposition on the part of numerous Representatives in Liberty Square here, passed by the Senate last Wednesday, holding that its provisions are too severe. It is therefore expected that the bill will be modified.

LEADING TOKIO PAPERS SILENT ON SHOOTING

One Sheet Scores Japan's 'Apologetic Attitude.'

TOKIO, Jan. 17.—All leading Japanese newspapers have thus far refrained from comment on the shooting of Lieut. Langdon in Vladivostok. Of the more sensational section the only opinion voiced is by the *Yokohama Specie*, which declares that the Japanese sentry acted in accordance with his duty and the blame rested upon the American officer. The Japanese officials are open to criticism for their "apologetic attitude." If not, the newspaper insists, and their "servile demeanor" is likely to cause interpellations in the Diet.

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JAP SENTRIES HALT MORE U. S. SAILORS

Continued from First Page.

the time he made his official statement. He was a total abstainer and was not under the influence of alcohol at any time.

"At the first session of the Japanese board of investigation and court of inquiry the Japanese sentry told a story which subsequently he modified in most of its important particulars. His final story was that the sentry left his post, ran across the street, three times called out 'Halt!' and that Lieut. Langdon did not halt. The sentry said that he then took position three paces in front of Lieut. Langdon with his rifle held at the position 'charge bayonet.'

"Lieut. Langdon then stopped, according to the sentry's story, and shifted his electric pocket flashlight to his left hand, groping with his right hand into the pocket of his overcoat. The sentry asserted that he himself then took the position 'for action' and quailed before the Japanese with the words 'Russian or American.' The sentry admitted he was excited. He protested he did not intend to shoot Lieut. Langdon, but the purpose was to seize Lieut. Langdon's electric flashlight and compel him to accompany him to the guard in order that he might ascertain who the Lieutenant was. He declared that he then discharged his rifle accidentally. He added that after he had discharged his rifle by accident and wounded Lieut. Langdon in the breast, Lieut. Langdon fired two or three revolver shots at him.

"All the high Japanese army and navy officers have officially visited the Albany to express their regret and sorrow at the occurrence and have offered the commander of the Albany every assistance. The Japanese Minister of War was also telegraphed his condolence.

"Memorial services for Lieut. Langdon are to be held to-morrow, Tuesday, January 18, at the Young Men's Christian Association building in Vladivostok."

KILLS FOUR AND HIMSELF.

Man Crased Over an Estate Shoots Mother, Sister and Children.

CHARLESTON, S. C., Jan. 17.—Crazed by brooding over financial difficulties and family troubles, in which an estate worth probably \$75,000 was at stake, L. S. Bigham shot his mother, his sister and the latter's two adopted children last Saturday, then ended his own life, according to information to-day from Florence, S. C.

The dead in addition to Bigham are Mrs. M. M. Bigham, Mrs. Marjorie A. Black and Leo and John McCricker.

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